

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>1/28/2022</u>
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**MEMORANDUM ENDORSEMENT**

Barnett v. Diaz et al

7-19-cv-00415-NSR

The Court has reviewed Defendants' letter motion dated January 14, 2022, requesting their motion for summary judgment be deemed fully briefed.

Plaintiff filed his complaint *pro se* in January of 2019. (ECF No. 2.) In April of 2021, Plaintiff obtained counsel and Pamela Roth entered a notice of appearance. (ECF No. 214.) On August 12, 2021, the Court received a letter from Defendants requesting leave to file a motion for summary judgment. (ECF No. 221.) The Court granted the request, providing a briefing schedule. (ECF No. 222.) In August of 2021, Plaintiff began filing letters addressed to the Court requesting information about the case. (ECF Nos. 223, 224 & 225.) On October 31, 2021, Ms. Roth sent a letter to the Court stating that she explained to Plaintiff that he cannot send letters to the Court, and that she has repeatedly had conversations with him about his case. (ECF No. 226.) The Court then granted both parties extensions to the briefing schedule, with Plaintiff directed to serve his opposition on or by December 30, 2021, and Defendants directed to serve their reply on or by January 14, 2022. (ECF Nos. 229 & 232.)

On January 4 and 10, 2022, the Court received additional letters from Plaintiff asking for updates about his case. (ECF Nos. 233, 234 & 235.) On January 14, 2022, Defendants filed their motion for summary judgment. (ECF No. 236.) Defendants also filed a letter motion stating they were never served with Plaintiff's opposition, and requesting the Court deem the motion fully briefed. (ECF No. 239.) Ms. Roth has not responded to the letter motion and has not communicated with the Court since requesting an extension to the briefing schedule on December 16, 2021. (ECF No. 231.) Therefore, the Court will deem Defendants' motion for summary judgment fully briefed. The Clerk of Court is directed to terminate the motion at ECF No. 239, and, as a courtesy, mail a copy of this endorsement to Plaintiff Lafvorne Barnett.

Dated: January 28, 2022

White Plains, NY

SO ORDERED:




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NELSON S. ROMÁN  
United States District Judge

MEMO ENDORSED



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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January 14, 2022

**BY ECF:**

Hon. Nelson Stephen Román  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Barnett v. Diaz, et al., 19 Civ. 00415 (NSR)

Dear Judge Román:

This Office represents defendants Sergeant Diaz, and Correction Officers (CO) Bonnell, Prescott, Daddezio, Williams, and Favre (collectively "Defendants"), in the above referenced action. On September 16, 2021, the Defendants served their Motion for Summary Judgment on Plaintiff's counsel. Following a series of extension requests, Plaintiff's opposition memorandum was due on December 30, 2021, while Defendants' reply memorandum would have been due today, January 14, 2022. *See Dkt. No. 232*. To date, however, this Office has not received any memorandum in opposition to the Motion for Summary Judgment, or any other responsive documents. Therefore, it is respectfully requested that the Court deem the motion fully briefed.

Respectfully submitted,

S/ John R. Doran

John R. Doran

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CC: Counsel of Record (By ECF)